IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 34579 of 2006(N)

AGAINST THE ORDER DATED / / IN EP 402/2005 IN OS.62/2000 of PRINCIPAL SUB COURT,ERNAKULAM

.....

PETITIONER:

R.PUSHPANGATHAN PILLAI,
ADVOCATE,AGED 47 YEARS,
S/O.G.RAGHAVAN PILLAI,
RESIDING AT MANGALASSERIL HOUSE,
VENNALA P.O.,COCHIN 28.

BY ADV. SRI.ANIL K.NARENDRAN

RESPONDENT:

S.AMBIKA,
PADMANILAYAM,
PUTHENCHANTHA,
VARKALA.P.O.,
TRIVANDRUM.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P. (C) No.34579/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT.P1: TRUE COPY OF THE EXECUTION PETITION DATED 9.3.2004

EXHIBIT.P2: TRUE COPY OF OBJECTION DATED 19.8.2006

EXHIBIT.P3: TRUE COPY OF THE E.A. 1234/2006 DATED 1.11.2006

EXHIBIT.P4: TRUE COPY OF THE OBJECTIONS FILED BY THE PETITIONER DATED 22.11.2006

(TRUE COPY)

P.A. TO JUDGE

M.N.KRISHNAN, J.

W.P. (C)No.34579 OF 2006

Dated this the 30th day of January, 2007

J U D G M E N T

This writ petition is filed to quash the warrant of arrest ordered by the Principal Sub Court, Ernakulam in E.P. No.402/2005. The decree holder has also entered appearance. The learned counsel for the writ petitioner, in fairness, submits that, if reasonable time is granted, the writ petitioner will wipe off the liability. After hearing both sides, I feel some time can be granted to the writ petitioner to clear the arrears. Therefore, the writ petition is disposed of directing the writ petitioner to pay the decree debt in three monthly equal instalments and the first instalment to be paid on or before 20.2.2007. The other two instalments can be paid on 23rd and 24th respectively and in case of two consecutive defaults, the instalment facilities will be lost and he also precluded from raising the plea of no means in such a situation. The writ petition is disposed of accordingly.

(M.N.KRISHNAN, JUDGE)

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KURIAN JOSEPH, J.

OP No.

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JUDGMENT

13th March, 2006